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LAME DUCK OR CAN-DO PRESIDENT?

**By Prof. Maria L. Fornella*

With headlines dominated by the scares of the Ebola virus and ISIS victories in Iraq, the mid-term elections came and went without much fanfare, until the stunning results were known.

Republicans gained control of the Senate by winning at least eight seats (Louisiana will have a runoff in December) and expanded their majority in the House by near-historic levels. They also won governorships in several blue states (Massachusetts, Maryland and Illinois). The magnitude of their sweeping victory surprised many, most interestingly among them, the pollsters themselves. They failed to predict for example, the GOP victory in the Maryland race for governor, as well as the narrow re-election of Democrat Mark Warner in Virginia, who was projected to win by a 9.7 point-margin, but narrowly missed a recount against former Virginia Republican Party Chairman Ed Gillespie.

Two circumstances may explain the huge margin of Democratic losses: turnout was low, as is usually the case in mid-term elections, and the GOP ran its campaigns on one issue only: the low approval of the President's performance, nationally at 40% but as low as 15% in some red states. There was also a quite substantive amount of open seats as several senior Senators retired.

Democratic candidates based their campaigns on local issues, trying to distance themselves as much as possible from Obama, the extreme case being Senate candidate Alison Lundergan Grimes, running against Mitch McConnell in Kentucky, who refused to answer when asked by a reporter if she had voted for Obama in the presidential election. It is not unusual however, for the White House party to lose mid-term legislative elections especially in the sixth year of a president with low approval rates, and under a political map that favored the GOP due to the latest round of gerrymandered re-districting.

The pollsters' miscalculation is directly related to the low turnout: minorities and students didn't show up to cast their votes. In Maryland, turnout was especially low in urban Baltimore and the Washington suburbs. Pollsters base their model on self-reported likelihood to vote, which is not a reliable measure in mid-term elections, mainly because it is merely a vague intention but not a priority for most voters.

With the GOP firmly in control of the two Houses of Congress, what is the next step for Obama as he enters the last two years of his Presidency? Will he defend the mandate the voters entrusted him in two elections? Or will he passively accept his "lame-duck" status and allow the new majority party to have its way? Will the author of "The Audacity of Hope" believe in his own creed about reclaiming the American Dream and "get something meaningful done" in his last 24 months at the helm?

Six-year legislative losses for the President's party are nothing new. Even with divided government, presidents like Eisenhower, F. D Roosevelt and Ronald Reagan outmaneuvered opponents, and managed to shape the political agenda and leave a long shadow in the history of American politics. The question now is not if, but how Obama will do the same, whether by the power of his office, exercising his veto or issuing executive orders or by the real "stuff of politics", political compromise, bargaining and consensus building.

Republicans also must choose their course as they transition from minority to majority status in the Senate: will they show they can govern and start passing legislation with some bi-partisan support or will they listen to the base and continue the combative brinkmanship that led to a government shutdown last year?

The former appears more likely: Mitch McConnell, now leader of the majority in the Senate, struck a non-confrontational tone when he outlined an agenda starting with issues that have bipartisan consensus, such as completion of free trade agreements and moderate tax reform. Texas Senator Ted Cruz, notorious ego-maniac, famous for leading the battle to defund and dismantle "Obamacare" may find he is alone if he unreasonably tries to rekindle that debate. He is expected to be a presidential candidate in 2016 and may insist on a more "conservative" agenda. However, McConnell, a cunning senate veteran from Kentucky, calling Ted Cruz "an army of one", has

candidly acknowledged they don't have the votes to overturn a Presidential veto, so they won't be able to repeal the health law.

Still, from the extreme side of the aisle, the GOP leader is being pressured to use the leverage of another government shutdown to obtain concessions on the health law and to stop the President from using his executive authority to reform immigration. Indeed, since June the White House has been preparing to extend legal status to more undocumented immigrants and to stop some cases of deportation. This is now expected to be one of the first executive orders Obama will sign in this period, in spite of threats by Speaker Boehner that he would thereby kill any chances for comprehensive immigration reform to pass in the House before 2016. On his part, Mitch McConnell has refused the GOP base's proposals as "self-destructive".

Instead, Mc Connell proposes to work on issues for which he can count on some bipartisan support such as the Keystone XL oil Pipeline, which the president may not veto (unless he succumbs to the pressure of the left wing of his party), repealing the medical device tax (a small provision of the Affordable Care Act that some say is crucial to be able to fund the health care law), and finalize some free trade agreements. To appease the base, Mc Connell is likely to bring up a bill that would ban abortions after 20 weeks of pregnancy which he is expected to do next year. Although Republicans say they have learned the lesson that denying women's reproductive rights will lose them the female vote over and over again, this is a relatively modest and reasonable measure for which they may get the support of centrist Democrats.

In sum, there are plenty of openings for both parties to cooperate and for Obama to still find ways to shape his legacy. He can stand firm on certain principles such as immigration reform and climate change, and use his veto pen when he feels it is absolutely necessary. But he can also encourage Democrats in Congress to cooperate on other issues such as trade and defense policies, and not to surrender to the demands of the most radical wing.

History shows that presidents can and do survive sixth-year mid-term upsets. They can still leave a strong imprint on the evolution of the political process and on the country itself. They can even pave the way for their own party to win the next election.

The 2016 contest is already under way and with their eyes on the Presidency both parties know they must prove to the American

public that they can do one thing: govern.

*Old Dominion University, Norfolk, Virginia